



UPPER UWCHLAN TOWNSHIP
Planning Commission Meeting
February 11, 2016
Minutes
Approved

In Attendance:

Bob Schoenberger, Jim Dewees, Bob Phillips, Brett Hand, Ken Engle,
MaryLou Lowrie, P.E. – Gilmore & Associates; Cary Vargo – Township Manager,
Gwen Jonik – Secretary

Bob Schoenberger called the meeting to order at 7:32 p.m. A quorum was present.
There were 30+ attendees.

Outdoor Storage Ordinance Amendment - Revisions, Discussion

Cary Vargo provided the Commission with an update of the proposed Outdoor Storage Ordinance amendment, which is being proposed and revised to address the lack of provisions for outdoor storage in the Township's industrial zoned districts, recently discovered while hearing a conditional use application for a manufacturing process that involves storage of large quantities of acetone and other liquid materials. The proposed amendments relate to the storage of fuels and other solids, liquids and gases within the Limited Industrial (LI) and the Planned Industrial/Office (PI) zoning districts. The goal of the Township is for the ordinance to provide regulations for the safest methods possible for storage of materials used in the manufacturing businesses within the LI and PI districts. The Township has received input from the Township Planning Commission, Brandywine Conservancy and the County Planning Commission, and we're contacting experts well-versed in the storage of such materials – some hazardous - who, to date, have voiced that outside storage of some of these materials is safer and preferred to inside storage.

Attendees posed the following questions, or provided comments. *Responses to the questions, the majority by Cary Vargo, some by Bob Schoenberger – Chairman, are in italics.*

What is the feedback from these experts? *Meetings aren't scheduled until next week.*

What's the benefit to the Township residents of amending the outdoor storage ordinance? *The public's safety; experts can attest that most incidents are caused by human error. We're trying to make sure that any outside storage would be done in the safest way possible.*

Why can't materials be stored inside, and safely? *That can be answered by an expert.*

We'd be allowing greater quantities of more dangerous materials.

What limitations are there on types of materials that can be stored outside? *The types of materials aren't listed in the draft ordinance because the DEP and EPA and other Agencies regulate and evaluate those.*

How much acetone can be stored outside? *That isn't known at this time.*

How can the residents convey they don't want the regulations to change, that they don't necessarily want to attract more manufacturing businesses to the township? *We have a zoning district that allows for these types of businesses; we're not adding new PI / LI districts.*

Cary Vargo explained the difference between the conditional use request that was submitted, for non-electronics manufacturing, and the ordinance amendment to allow for outside storage.

What does "NFPC 70" mean in the ordinance? Does that address spills? *Yes, it is a part of the national fire protection code. We're reaching out to independent experts of these codes.*

Will the public be made aware of these experts' opinions? If it goes forward, will local emergency services be able to handle? *Yes, the experts will be made available throughout these discussions, and our local emergency responders are trained to respond to these types of events.*

The agenda wasn't descriptive, or inclusive, enough.

There are no limitations to size of tank, volume or structure (height) in the draft ordinance, or limitations on type of material to be stored.

Hopefully residents have a say in whether the ordinance gets amended. Put it on the Primary Election Ballot as a referendum.

How did the few tanks in existence get in existence? How would we keep more from slipping through? If that business isn't going elsewhere and would stay in the Township anyway, why wouldn't we keep things as they are?

This parcel is close to Hickory Park - why would we want to increase the risk of an incident in the Park.

Don't move forward with the outdoor storage.

How does the gas pipeline play into this; it adds vulnerability to the facility and surroundings.

Would the Planning Commission consider passing along a recommendation to not amend this ordinance? *It is unknown at this time what the Commission members think about this; input is still being received and discussed, and the draft amendments will go through quite a few revisions before the Commission makes any recommendation and it goes to the Board for consideration.*

Annual inspection is not often enough.

There's also an LI district on Fellowship Road and that's too close to St. Elizabeth's, Windsor Ridge, Eagle Hunt, and the Reserve at Eagle for potential storage tank incidents.

There is a picture on a website about chemical plants that shows a 4,000 gallon vessel fire that blew up and injured / killed folks.

Bob Schoenberger had announced earlier that comments about this topic would be taken until 8:15 p.m., at which time we'd move on with the rest of the agenda.

Frame Property Revised Final Land Development Plan

Alyson Zarro, Esq., Riley Riper Hollin and Colagreco; Mike Downs, P.E., Toll Brothers; and Mark Zarnowsky, P.E., ESE; were in attendance. Ms. Zarro presented the revised Final Land Development Plan, last revised December 18, 2015, for the proposed 62 lot subdivision on the Frame Property located on Little Conestoga Road, now named "Reserve at Chester Springs".

The proposed development has received Conditional Use Approval and Preliminary Land Development Plan approval. Toll has been working over a year for the various permits necessary to move to Final Plan approval. Ms. Zarro asked if there were any questions from the Commission members who hadn't been members while the Plan was going through those approvals.

Brett Hand asked about the connection to the neighboring property, the Feters property. Ms. Zarro explained the Plan shows a potential connection to the Feters property, which covers an approximate 1,000 feet between the Frame Property and Reserve at Eagle.

Ms. Zarro advised the Commission that the Developer will comply with or satisfactorily address the comments contained in the Township Consultants' review letter (Gilmore & Associates' letter dated February 4, 2016).

In response to Commission members' questions or regarding consultant comments, Ms. Zarro advised that the storm basin management and operation will be Toll's responsibility initially, then the Homeowners Association will be responsible and will have to provide a Storm Water Operation & Maintenance Agreement; the infiltration testing will be verified; the County, DEP and PennDOT permit approvals are forthcoming; the crosswalks and handicapped ramps will be rotated away from the first intersection to meet the 25° regulations and the handicapped ramp will be rotated to meet the required the 143' stopping distance; several street trees (American Elm) will have to be relocated

to open up that sight distance; the walking trail width is 6'; sidewalk width is 5'; a sign will be added noting a connection easement with the Feters property could occur in future.

The trail on the Green Valley Road side of the Plan will have a 20' easement along the Turnpike right-of-way to the driveway for the farmstead and out to Green Valley Road. The Turnpike has received a copy of Toll's Plans but hasn't provided comments. The existing farmstead will be sold "as is" on that parcel; the rest of that area around the farm is open space for dedication to the Homeowners Association. Wastewater will be treated at the Route 100 wastewater treatment plant and disposed within the Byers Station disposal fields.

The Commission suggested a public parking area on Green Valley Road for access to the walking trail on that side as there's open space on that parcel, to the west of the farmstead.

Mike Downs said they could include some parking within the 50' easement from Green Valley Road to the driveway. Ms. Zarro said they could provide an easement in the unconstrained area west of the farmstead parcel.

Toll is not planning to place a street light at the end of the cul-de-sac bulb as they don't want to have to move it later should a connection to the Feters property be considered. The street lights are the same design as those in Byers Station.

The one "tot lot" was enlarged and located nearer the middle of the development. There won't be any house bump-outs encroaching property lines; the farmstead buildings may deteriorate further before a sale would occur – Toll couldn't guarantee their condition; the land surrounding the farmstead could be leased to a farmer if the Homeowners Association so desired; Toll is awaiting their permit to replace the deteriorating drainpipe that crosses the trail in the riparian buffer; the Township would be responsible for and maintain the paved trail on Green Valley Road. For public safety reasons, the farmstead should be inspected and measures taken by the Builder to keep mischief from occurring. Mr. Downs believes there will be a buyer in the near future. Little Conestoga Road will be widened, a left-turn lane added, and road shoulders improved at the onset of the construction.

Jim Dewees moved to recommend Final Land Development Approval with an Agreement between the Builder and the Township that the old farmstead on Green Valley Road be inspected for safety and maintenance. Bob Schoenberger added a condition that an easement or right-of-way be provided for the trailhead parking area. Brett Hand seconded the Motion and conditions and the Motion carried unanimously.

Approval of Minutes

Ken Engle moved, seconded by Jim Dewees, to approve as presented the minutes of the Planning Commission's January 14, 2016 meeting. The Motion carried unanimously.

Open Session

Bob Schoenberger asked Cary Vargo for an update of the T.R. Moser request to rezone the Popjoy property, on Little Conestoga Road at the Wallace Township boundary, from 2-acres parcels to 1-acre parcels. Mr. Vargo advised the County Planning Commission had provided comments and the Township favors the change.

Bob Schoenberger announced the next Commission meeting date of March 10, 2016.

Adjournment

Jim Dewees moved to adjourn the meeting at 9:07 p.m. All were in favor.

Respectfully submitted,
Gwen A. Jonik
Planning Commission Secretary